

EXHIBIT B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X Docket#
UNITED STATES OF AMERICA, : 23-cr-00443-FB-3,8,9,10
: :
: :
- versus - : U.S. Courthouse
: Brooklyn, New York
JOSEPH LANNI, et al., : :
: November 8, 2023
Defendants : 4:47 p.m.
-----X

TRANSCRIPT OF CRIMINAL CAUSE FOR ARRAIGNMENT
BEFORE THE HONORABLE RAMON E. REYES, JR.
UNITED STATES MAGISTRATE JUDGE

A P P E A R A N C E S:

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(Appearances continue on next page)

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Proceedings

1 THE CLERK: So we have Criminal Cause for an
2 Arraignment on an indictment. It's 23-cr-443, *United*
3 *States v. Vito Rappa*. We have Robert Brooke, Francesco
4 Vicari, and Vincent Minsquero.

5 Counsel, state your appearances, please,
6 starting with the government.

7 MR. GALEOTTI: Good afternoon again, your
8 Honor. For the government, Assistant United States
9 Attorneys Matthew Galeotti, Anna Karamigios, and Andrew
10 Roddin.

11 THE COURT: Good afternoon.

12 MR. GOSNELL: Wayne Gosnell from the Law Firm
13 of Clayman Rosenberg Kirshner & Linder here on behalf of
14 Mr. Rappa who's to my right.

15 THE COURT: Good afternoon.

16 MR. MARTINELLI: Good evening, all. Good
17 evening, counsel. For Mr. Brooke, Vincent Martinelli.

18 THE COURT: Good afternoon.

19 MR. SCHULMAN: Good afternoon, your Honor.
20 Eylan Schulman on behalf of Francesco Vicari with
21 Moskowitz Colson Ginsberg & Shulman.

22 THE COURT: Good afternoon.

23 MR. GELORMINO: On behalf of Mr. Minsquero,
24 Louis Gelormino. Good afternoon, your Honor.

25 THE COURT: Good afternoon. Mr. Rappa, Mr.

Proceedings

1 Brooke, Mr. Vicari, and Mr. -- is it Minisquero?

2 DEFENDANT MINSQUERO: Minsquero.

3 THE COURT: Minsquero. Mr. Minsquero. You're
4 here today because a grand jury has returned an
5 indictment against you charging you each with certain
6 crimes.

7 Mr. Rappa, you are charged in Count 1 with
8 racketeering conspiracy; Counts 2 and 3, with Hobbs Act
9 extortion and conspiracy; and Counts 13 with theft from
10 an employee benefit plan.

11 Mr. Brooke, you are charged in Counts 7 and 8
12 with Hobbs Act extortion and conspiracy;

13 Mr. Vicari, you are charged in Count 1 with
14 racketeering conspiracy and Counts 2 and 3 with Hobbs Act
15 extortion and conspiracy.

16 You have the right to remain silent. You do
17 not have to make a statement to anyone. If you start to
18 make a statement, you can stop at any time. If you've
19 made statements in the past, you are not required to make
20 statements in the future. Any statements that you do
21 make can and will be used against you in your case except
22 for statements that you make to your attorney. Those are
23 privileged.

24 Mr. Rappa, do you understand? I need to hear
25 you.

Proceedings

1 DEFENDANT RAPPA: Yes, yes.

2 THE COURT: Mr. Brooke, do you understand? I
3 need to hear you.

4 DEFENDANT BROOKE: Yes, I do.

5 THE COURT: Okay. Mr. Vicari, do you
6 understand?

7 DEFENDANT VICARI: Yes, I do.

8 THE COURT: And Mr. Minsquero, do you
9 understand?

10 DEFENDANT MINSQUERO: Yes, your Honor.

11 MR. GELORMINO: Your Honor, if I may quickly?
12 You didn't outline the case against my client, the
13 charges against him.

14 THE COURT: I did not?

15 MR. GELORMINO: Yeah.

16 THE COURT: I apologize. I am sorry.

17 MR. GELORMINO: I just wanted to -- that's
18 okay.

19 THE COURT: It's been a long day. Mr.
20 Minsquero, you are charged in Count 1 with racketeering
21 conspiracy and Count 15 with witness retaliation.

22 MR. GELORMINO: Thank you, your Honor.

23 THE COURT: Gentlemen, you also have the right
24 to be represented by attorneys throughout your case. I
25 believe each of you has retained counsel. And if at some

Proceedings

1 point in time you can't afford to keep them as your
2 lawyer, just let me know, or let the court know, and if
3 you're eligible financially, we will appoint an attorney
4 to represent you. Okay?

5 I apologize. I'm sorry. Mr. Minsquero, you
6 have submitted a financial affidavit as has Mr. Rappa. I
7 don't see -- oh yep, there's also one for Mr. Vicari.
8 And is there one for Mr. Brooke?

9 MR. MARTINELLI: No, Judge.

10 THE COURT: No. So Mr. Brooke has retained
11 counsel.

12 MR. MARTINELLI: That's correct.

13 THE COURT: Mr. Brooke, if at some point in
14 time you can't afford to keep him as your lawyer, let us
15 know, and if you're eligible financially, we'll appoint a
16 lawyer to represent you.

17 MR. GALEOTTI: Your Honor, if I may? The
18 government understands Mr. Minsquero is also represented
19 by retained counsel.

20 MR. GELORMINO: I was actually just going to
21 say that, your Honor. I appreciate the people jumping
22 in.

23 THE COURT: Okay. But I have a financial
24 affidavit.

25 MR. GALEOTTI: The same applies for Mr. Rappa.

Proceedings

1 THE COURT: Okay. And Mr. Vicari also or no?

2 MR. SCHULMAN: No, your Honor. I am appointed
3 pursuant to the Criminal Justice Act.

4 THE COURT: Thank you. Same thing goes for
5 you, Mr. Minsquero and you, Mr. Rappa. If you can't
6 afford them going forward, ask the Court to appoint an
7 attorney to represent you and if you're eligible
8 financially that'll happen.

9 Now Mr. Vicari, I have a financial affidavit
10 that you submitted. It's got a signature at the bottom.
11 Is that your signature?

12 DEFENDANT VICARI: Yeah.

13 THE COURT: Based on the information contained
14 in Mr. Vicari's financial affidavit, I find that he is
15 entitled to court-appointed counsel and I'll appoint Mr.
16 Schulman to represent him.

17 DEFENDANT VICARI: Thank you.

18 THE COURT: Mr. Minsquero, have you been given
19 a copy of the indictment?

20 DEFENDANT MINSQUERO: Yes, your Honor.

21 THE COURT: And have you discussed the charges
22 with your attorney?

23 DEFENDANT MINSQUERO: Yes, your Honor.

24 THE COURT: You understand the charges?

25 DEFENDANT MINSQUERO: Yes.

Proceedings

1 THE COURT: Counsel, do you want me to read the
2 indictment aloud?

3 MR. GELORMINO: No, I'll waive the public
4 reading and plead not guilty on behalf of my client.

5 THE COURT: Okay. Mr. Vicari, have you
6 received a copy of the indictment?

7 DEFENDANT VICARI: Yeah. Yes.

8 THE COURT: And have you discussed the charges
9 with your attorney?

10 DEFENDANT VICARI: Yes.

11 THE COURT: You understand the charges?

12 DEFENDANT VICARI: Yeah.

13 THE COURT: Mr. Schulman, do you want me to
14 read the indictment aloud?

15 MR. SCHULMAN: No. Thank you, your Honor. We
16 waive a public reading and we ask that the Court enter a
17 plea of not guilty to the three charges against Mr.
18 Vicari.

19 THE COURT: Mr. Brooke, have you received a
20 copy of the indictment?

21 DEFENDANT BROOKE: Yes.

22 THE COURT: Have you discussed the charges with
23 your attorney?

24 DEFENDANT BROOKE: Yes.

25 THE COURT: You understand the charges?

Proceedings

1 DEFENDANT BROOKE: Yes, I do.

2 THE COURT: Do you want me to read the
3 indictment aloud?

4 MR. MARTINELLI: No, Judge. Thank you. I too
5 waive its public reading, plead not guilty on Mr.
6 Brooke's behalf.

7 THE COURT: And Mr. Rappa, did you receive a
8 copy of the indictment?

9 DEFENDANT RAPPA: Yes.

10 THE COURT: Did you discuss the charges with
11 counsel?

12 DEFENDANT RAPPA: Yes.

13 THE COURT: Do you understand the charges?

14 DEFENDANT RAPPA: Yes. Thank you.

15 THE COURT: Would you like me to read the
16 indictment aloud?

17 MR. GOSNELL: No, your Honor. We waive that
18 and we would ask that you enter a not guilty plea on his
19 behalf to these charges.

20 THE COURT: Okay. Gentlemen, on behalf --
21 excuse me. I apologize. Under the constitution and laws
22 of the United States, you are entitled to a speedy jury
23 trial that has to take place within 70 days of the date
24 of your indictment. If the government fails to bring you
25 to trial in 70 days, that could be the basis for a motion

Proceedings

1 to dismiss the indictment. And if you would be
2 successful in making such a motion, the indictment would
3 be dismissed and no charges would go forward against you.

4 I've been given applications that I believe are
5 signed by each of you that seek to exclude from today
6 through December 8th from the 70-day period in which you
7 must be brought to trial. And the purpose for that
8 exclusion of time from these applications that I've been
9 given is because you're engaged in plea negotiations with
10 the government that may lead to a disposition of your
11 case without the need for a trial and I presume because
12 your attorneys need time to review the discovery that's
13 going to be produced by the government in this case.

14 Is there anyone here who disagrees with that?

15 MR. MARTINELLI: No, Judge. On behalf of Mr.
16 Brooke, we consent.

17 THE COURT: Okay.

18 MR. GELORMINO: As do we on behalf of Mr.
19 Minsquero.

20 MR. GOSNELL: As do I on behalf of Mr. Rappa.

21 MR. SCHULMAN: And similarly for Mr. Vicari,
22 yes, your Honor.

23 THE COURT: Is there anyone who has been
24 threatened, forced, or pressured to agree to this
25 exclusion of time.

Proceedings

1 MR. MARTINELLI: No, Judge.

2 THE COURT: Okay. I'll take the silence as no.

3 All right. I will sign orders of excludable
4 delay for all of the defendants finding that it's in the
5 interest of justice, the public, and each of the
6 defendants as well.

7 Mr. Galeotti, can you state for the record that
8 the government understands its obligations under *Brady v.*
9 *Maryland* and will fulfill them?

10 MR. GALEOTTI: We do, your Honor, and we'll
11 review the order you've issued pursuant to 5(f) in this
12 case and we can confirm that we will comply with our
13 obligations.

14 THE COURT: Just so you know, gentlemen, *Brady*
15 *v. Maryland* is a Supreme Court case that says the
16 government has to turn over to you any evidence that is
17 exculpatory, that indicates that you are not responsible
18 or not liable for these actions. And they have to do
19 that promptly. So Mr. Galeotti, on behalf of the
20 government, will make sure that that happens in this
21 case.

22 MR. MARTINELLI: Your Honor, has that been
23 filed on ECF?

24 THE COURT: If it hasn't been filed already on
25 ECF, it will be filed by the end of the day, but we

Proceedings

12

1 mentioned it in both of the other arraignments with these
2 gentlemen's co-defendants.

3 And again, there's a conference with Judge
4 Block on the 8th of December at what time?

5 THE CLERK: 2:30.

6 THE COURT: 2:30. Thank you.

7 MR. GALEOTTI: That's correct, your Honor.

8 Thank you.

9 THE COURT: You gentlemen received the
10 government's detention memo, correct?

11 ATTORNEY: Yes, your Honor.

12 THE COURT: All right. What I'd like to do is
13 hear from the government about each defendant
14 individually and why the government believes they should
15 be detained because as I read the detention memo and read
16 the indictment, some of these folks are not situated the
17 same as the other two people we just had a detention
18 hearing on.

19 MR. GALEOTTI: Understood, your Honor.

20 MR. MARTINELLI: That's correct.

21 MR. GALEOTTI: Your Honor, we'll speak first
22 with respect to Mr. Rappa and Mr. Vicari, and Mr. Roddin
23 will speak to Mr. Minsquero and Mr. Brooke.

24 Your Honor, first I'd like to put on the record
25 the reasons and the provisions under which we are seeking

Proceedings

1 detention with respect to Mr. Rappa and those are 18
2 United States Code Sections 3142 (f) (1) (A), because the
3 defendant is charged with a crime of violence, as well as
4 pursuant to 18 United States Code 3142 (f) (2), provisions
5 (A) and (B).

6 First that it's a serious risk that he will
7 flee.

8 And second, he's a serious risk that the
9 defendant will obstruct justice or interfere or injure
10 other victims or witnesses.

11 Your Honor, Mr. Rappa is a member of the
12 Sicilian mafia and he's an associate of the Gambino crime
13 family. Today, based on a coordinated takedown with the
14 U.S. and Italian authorities, Mr. Rappa's father was
15 arrested in Italy.

16 Mr. Rappa has been part of the Gambino, an
17 associate of the Gambino crime family for a lengthy
18 period of time. He's been the right-hand man of Danny
19 Tantillo, a defendant who we spoke about earlier, for
20 quite some time. And he engaged in a violent extortion
21 at the behest of Danny Tantillo.

22 In particular, Mr. Rappa went out and
23 threatened John Doe 1's associates, close associates.
24 Mr. Vicari and Mr. Rappa went to individuals and picked
25 up a knife in one instance and forced them, or suggested

Proceedings

1 quite seriously with the knife in their hand that that
2 individual should get John Doe 1 to make a payment and to
3 cut him in two in their words.

4 Mr. Rappa would often relay those violent
5 threats back to Mr. Tantillo. Mr. Rappa would also
6 coordinate pickups of extortionate payments from victims
7 on behalf of Mr. Tantillo. Mr. Rappa, as we outlined in
8 the detention memo, conversed with Mr. Tantillo regarding
9 the activities of the Gambino crime family including Mr.
10 Tantillo's making ceremony. He is an insider as close as
11 there can be without being made into this Gambino crime
12 family. He has access to the individuals. He has access
13 to the resources of the enterprise.

14 He engaged in a violent extortion on behalf of
15 the enterprise which has two parts, your Honor. As you
16 know by now, it's extortion of John Doe number 1, which
17 also resulted in the assault of another victim whose
18 picture we put under seal who was assaulted with a
19 hammer. Mr. Rappa was involved in both of those
20 extortions in connection with his association with the
21 Gambino crime family, and in particular Mr. Tantillo.

22 I'd also note that with respect to a serious
23 risk that the defendant will flee, the defendant has
24 significant ties to Italy. As we mentioned, he has
25 family members overseas including his father who's a

Proceedings

1 member of the Sicilian maffia. He has other ties and
2 other family members in Italy, and he has access to
3 resources in Italy as well as in the United States.

4 He's now facing significant penalties. The
5 evidence against him is overwhelming. It includes
6 wiretaps, recordings, text messages, phone records,
7 geolocation data, and other information which makes the
8 case against him incredibly strong and it increases the
9 likelihood that he will face those severe penalties.

10 So for all of those reasons, your Honor, the
11 government submits that Mr. Rappa is both a danger to the
12 community and a risk of flight.

13 MR. GOSNELL: Thank you, your Honor. If it
14 pleases you, I think --

15 THE COURT: You can --

16 MR. GOSNELL: -- it makes sense for us to go
17 sort of in order.

18 THE COURT: I think so.

19 MR. GOSNELL: Okay. So a couple of just sort
20 of factual issues. One, the recitation by the AUSA seems
21 to be at odds with their detention memo and some of it is
22 maybe just, you know, the incorrect language, but he
23 indicated that there were multiple associates of John Doe
24 1 that Mr. Rappa was allegedly involved in threatening.
25 The memo indicates there's one.

Proceedings

1 But more specifically, what it seems like from
2 reading their memo is what is alleged is that on one day
3 some time about three years ago Mr. Rappa is alleged to
4 have sent a text message. At another date, again almost
5 three years ago, he's alleged to have engaged in verbal
6 threats and then sends a text after that. That is the
7 extent of his involvement from their detention memo as to
8 that particular extortion scheme and any violence with
9 respect to him.

10 I think that Mr. Rappa is in a very different
11 position than many of the other defendants that you've
12 already heard about. In particular, if you look at the
13 Pretrial Services memo with respect to Mr. Dilozenzo, who
14 the government conceded there are conditions that can be
15 met, Pretrial Services in this case with Mr. Rappa,
16 knowing all about the other defendants and knowing about
17 Mr. Dilozenzo, knowing about Mr. Tantillo, knowing about
18 the government's theory, recommends Mr. Rappa for
19 release. They believe that there are conditions that
20 could be met that he can abide by which he will come back
21 to court and will not be a danger to the community.

22 And while that certainly is not binding on your
23 Honor, this Court I believe should give significant
24 weight to their assessment that they believe there are
25 conditions that can be met.

Proceedings

1 And in fact, the conditions that they believe
2 are sufficient or less onerous than the conditions that
3 they recommended for Mr. Dilorenzo. Mr. Dilorenzo I
4 believe they recommended a substantial secured bond.
5 They don't recommend a substantial bond with respect to
6 Mr. Rappa. They recommend a moderate bond. They don't
7 recommend that it be secured.

8 His wife is here. She certainly could cosign
9 as a financially responsible suretor. Mr. Rappa would be
10 a financially responsible suretor. They have a home in
11 New Jersey with approximately \$1.5 million in equity that
12 could be posted if the Court deemed that there was a
13 necessity for the securitization of a bond.

14 THE COURT: You said it has 1.5 million in
15 equity?

16 MR. GOSNELL: I believe it's -- sorry. It's
17 worth 1.5 million. There is no mortgage.

18 THE COURT: And it's got 1.5 million in equity.

19 MR. GOSNELL: There's a slight credit line
20 associated with the house that I think is about \$30,000.

21 THE COURT: All right.

22 MR. GOSNELL: So approximately 1.5 million.

23 And I would also point out that all of the
24 arguments that the government made here were made
25 essentially word for word in 2007 when Mr. Rappa was

Proceedings

1 arrested and they sought detention against him in another
2 matter essentially with very similar facts in terms of
3 their allegations about him being an associate of the
4 Gambino crime family, about witness tampering or doing
5 things of that nature.

6 Judge Dearie found that there were conditions
7 that could be met. In fact, I believe the bond was
8 \$300,000 unsecured. And Mr. Rappa proved that he can
9 show up for court, proved that he is not a flight risk,
10 and proved that he is not a danger to the community. He
11 showed up for court. He did everything that was asked of
12 him. He pled guilty. He was sentenced to probation, all
13 of which without incident.

14 And so if the Court is looking for some
15 assurance that he can do what the Court would require him
16 to do while on pretrial release, it has that. He's done
17 it before.

18 And I don't want to belabor the point made by
19 the prior lawyers about the distance in time between the
20 execution of search warrants or generally the allegations
21 against Mr. Rappa, but there is a significant period of
22 time between the allegations of alleged violence in the
23 detention memo or in the indictment and today. And the
24 question isn't was Mr. Rappa potentially a threat to
25 someone at some point in the past. It's whether or not

Proceedings

1 he presents a clear risk of danger to people now. I
2 don't think that there's any evidence about that
3 whatsoever in their detention memo or in their
4 presentation today.

5 I believe there are conditions that can be met.
6 I've suggested a particular bond. And all of the other
7 conditions that are suggested by Pretrial, we would have
8 no problem abiding by those if the Court were to order
9 them.

10 And so what I am suggesting, your Honor, is
11 that you order his release based on the signatures today
12 of himself and his wife who would be a financially
13 responsible co-suretor, that you require him to post a
14 secured bond of whatever amount your Honor determines by
15 next Wednesday as you did with Mr. Dilozenzo. And if the
16 Court requires any additional suretors, we can also have
17 that in place by next Wednesday.

18 One additional thing is is that Mr. Rappa does
19 suffer from severe asthma. His medications are listed in
20 the Pretrial Services report on the bottom of page 2. He
21 did have a severe asthma attack last week where he was
22 seen and treated at a hospital. This is a very serious
23 condition for him. And I'm sure that the Court is very
24 familiar with the medical issues or the issues that are
25 attendant to MDC with detainees there and them getting

Proceedings

1 proper medical care.

2 MR. GALEOTTI: If we could very briefly
3 respond, your Honor?

4 THE COURT: Yes.

5 MR. GALEOTTI: Your Honor, first and foremost,
6 I would just point out, as your Honor well knows, that
7 the government can proceed by proffer at this stage.
8 We've chosen not to by submitting a lengthy detention
9 memo which outlines what is illustrative of the kinds of
10 crimes that have been committed in this case. In no way
11 or form should this be interpreted to mean that this is
12 what is exclusive of the evidence in this case.

13 So there are innumerable wiretaps with Mr.
14 Rappa discussing with Mr. Tantillo putting pressure on,
15 turning multiple individuals in connection with this case
16 and in separate extortion schemes. So let me just say
17 that for starters.

18 Second, with respect to the 2007 incident that
19 defense counsel addressed, the government would submit
20 that actually this cuts the other way. This defendant
21 has already been charged and convicted with this kind of
22 crime and has continued to engage in it despite knowing
23 that he's previously been convicted of it.

24 Second, in 2007 Mr. Rappa also tried to bribe a
25 federal official which goes to the point that we've been

Proceedings

1 making consistently which is that individuals associated
2 with organized crime do have the means and ability to
3 engage in tampering and other forms of obstruction. This
4 defendant in particular has done it before.

5 And finally, your Honor, just because this
6 defendant to emphasize is not a made member of the
7 Gambino crime family, he is a member of the Sicilian
8 Mafia. He is no different than Angelo Gradilone, for
9 example. In fact, this defendant engaged in at least one
10 of the violent extortions which are outlined in detail in
11 the detention memo and the indictment.

12 So your Honor, we submit that he is a danger to
13 the community.

14 THE COURT: Okay. Let's move on to Mr.
15 Brooke.

16 MR. RODDIN: As an initial matter, your Honor,
17 as to Mr. Brooke, the government is moving for detention
18 on the same two grounds, Title 18 United States Code
19 3142(f)(1)(A) because the defendant is charged with a
20 crime of violence, and 3142(f)(2)(A), serious risk that
21 the defendant will flee, as well as (f)(2)(B), a serious
22 risk that the defendant will obstruct justice or threaten
23 to injure a witness or victim in this case.

24 As we outlined in the detention memorandum, Mr.
25 Brooke has a pretty serious criminal history, albeit an

Proceedings

1 old one. He has a prior 924(c) conviction for possessing
2 a firearm in relation to a crime of violence. The crime
3 of violence was a Hobbs Act robbery of which he was also
4 convicted, along with a conviction for transportation of
5 stolen property.

6 He also participated in an incredibly violent
7 assault in furtherance of an extortion scheme of the
8 extortion of demolition company 1 as well as John Doe 20
9 is a victim of the assault itself. Your Honor has seen
10 the photos submitted as Exhibit 1 to the memorandum. It
11 was a serious beating. This was an incredibly violent
12 assault to try to get money from these people.

13 So it's the government's position that based
14 both on that serious criminal history as well as the
15 serious violence that he's alleged to have more recently
16 participated in, Mr. Brooke represents a danger to the
17 community.

18 For the same reasons related to the Gambino
19 crime family that we've been discussing all afternoon,
20 it's also the government's position that as an associate
21 of the Gambino family, defendant Brooke presents a risk
22 of flight, witness intimidation, and of witness
23 tampering. I won't belabor those points any farther
24 beyond what Mr. Galeotti has outlined a few moments ago
25 about the resources of the organization.

Proceedings

1 MR. MARTINELLI: Your Honor, if I may use the
2 podium as well?

3 THE COURT: Sure.

4 MR. MARTINELLI: And I'm going to start from
5 the outset by saying the reason being is I have a similar
6 cough that you do. It's much easier to talk standing up.
7 Sinus infection, chest infection. I'm on Augmentin, so I
8 feel you.

9 THE COURT: Okay.

10 MR. MARTINELLI: It's interesting, Judge, that
11 the government relies on proceeding by proffer but they
12 are misleading the Court in that proffer and they know
13 it. Misleading the Court here is almost horrific. Mr.
14 Burke is not charged with the racketeering conspiracy.
15 He's the only defendant not so charged. I don't know
16 anybody that would ever accuse my client, this is the
17 first I've ever heard of this, and I tracked his former
18 case very closely. It started before I became a lawyer
19 in 1992. And I helped him with that case while I was in
20 law school. I didn't help him good enough, but I helped
21 him. I don't know anybody that would accuse him as being
22 associated with the Gambino crime family.

23 But more importantly, Judge, aside from being
24 the only defendant here, and as you pointed out, there
25 are some people here not similarly situated to the

Proceedings

1 previous defendants, aside from that, the government's
2 misleading your Honor in its proffer. There was a 343,
3 which is known as a state dismissal, of this alleged
4 assault incident.

5 Now let me backtrack. Mr. Brooke, and you've
6 highlighted it, is only charged with one standalone
7 extortion. I'll call it an assault for now. Okay? Just
8 for now. November of 2019 through January of 2021. The
9 issues with the extortion go to nine other people from
10 prior to that and long thereafter that that Mr. Brooke is
11 not involved in.

12 In essence, he was at the wrong place at the
13 wrong time that had a business dispute with somebody from
14 Waldorf Carting. He parked in the same lot with Waldorf
15 Carting's I guess owner every day, the same parking lot.
16 Waldorf Carting owed him 140,000, \$110,000, not 40 that's
17 listed in the detention memo. They settled for 11. A
18 lawyer handled that lawsuit. The government knows this.
19 Peter Christiansen. Or should know of it. The 343 was
20 from Manhattan New York City Police Department. And I
21 would only presume is because the video evidence shows
22 Mr. Marone from Waldorf Carting attacking Mr. Brooke in
23 the parking lot and Mr. Brooke defending himself.

24 I've seen the picture. The picture does not
25 give me -- and I don't mean to minimize anybody's

Proceedings

1 injuries. I'm not here to poo poo injuries, Judge. The
2 picture is a bloody forehead. Okay?

3 THE COURT: Swollen eye.

4 MR. MARTINELLI: There were no weapons
5 involved. And to me does not look serious. I've looked
6 at it. Okay?

7 But more to the point it's a standalone
8 incident that the New York City Police Department
9 Manhattan DA's Office decided to 343. There was a lawyer
10 involved from Queens County, Peter Christiansen. And the
11 case was not prosecuted. Okay? I think it's very
12 important here no activity prior to that with the other
13 nine people. No activity after that with the other nine
14 people. A standalone incident for a \$110,000 business
15 dispute where I would argue that the evidence would show
16 that Mr. Brooke was attacked and defended himself. And
17 it was a simple, simple, small time issue, Judge. Again,
18 case 343.

19 Moving to the issues of moral suasion, Judge,
20 I've known Mr. Brooke for my entire 57 years. He's a
21 year younger than me, so I know him for 56 years. Our
22 families grew up together. I was raised not too far from
23 where he lived. Our fathers were best friends. They
24 shared businesses together. As I said, I was involved as
25 a law student with his previous case. He was detained

Proceedings

1 pending trial. He saw a trial in that case. He disputed
2 the charges. He was found guilty unfortunately. He was
3 released in 2006 and had no issues from 2006 till today
4 including his supervised release which ended in
5 approximately 2009.

6 He's owned two businesses since then, Special
7 Concrete Cutting, which provides the cutting of concrete
8 and demolition of buildings, and Robo Breaking, as in you
9 break concrete. They break them with robots. The
10 Specialized Concrete Cutting he had for about six years.
11 I think that's what they're going to say the dispute was
12 over the \$110,000. They claim 40 in the paperwork. It
13 was settled with lawyers for 11.

14 By the way, Judge, when the case was settled,
15 Waldorf Carting was under federal monitorship and Mr.
16 Brooke walked into the office allegedly after the
17 incident and collected his \$11,000 that they offered him.
18 In essence, ten cents on the dollar for \$110,000.

19 In addition, Judge, and this is the most
20 salient point, he's done work for the same individual he
21 is accused of assaulting at least two times thereafter
22 requested by that individual. Begged him to bring his
23 machines to the job. Mr. Brooke, will you please bring
24 your machines to the job? Okay? You're the only one
25 that does Robo breaking. You're the only one that works

Proceedings

1 60 to 80 hours a week that we need cutting concrete. You
2 show up on the job yourself. He's got 14 men to employ.
3 His fiancée, who is seated in the back seat, she's from
4 Bangladesh, he's been with her for eight years. My
5 girlfriend, and we go out as couples. Her father is
6 willing to post their house in Staten Island. It is in
7 the Annadale section of Staten Island. It's worth
8 approximately \$700,000. I believe it has a small
9 mortgage.

10 I would propose, Judge, and what's happened
11 here is, aside from misleading on the proffer as to this
12 business issue with an assault where Mr. Brooke was the
13 one that was attacked, aside from that misleading
14 proffer, I would argue that he's been in business for
15 seven years, or two years thereafter, and he's been used
16 by this company twice specifically, the last time last
17 Christmas. Okay?

18 Ms. Puha (phonetic) I believe is her name, owns
19 51 percent of the company, the new company, Robo
20 Breaking. It's a minority company. Mr. Brooke has a
21 small business loan of about \$1.8 million he used to
22 found that company. The two companies are worth about
23 3.5 million, 2.6 for Robo Breaking and about 900,000 for
24 Specialized Saw Cutting.

25 THE COURT: And you said that Mr. Brook's

Proceedings

1 fiancée's name is what?

2 MR. MARTINELLI: I know her first name, it's
3 Farjana, F-A-R-J-A-N-A. She spelled it for me but it's
4 different than that. Do you want to spell it, Farjana?

5 MS. It's F-A-R-J-A-N-A, and last name is
6 P-U-Z-A.

7 MR. MARTINELLI: P-U-Z-A. Okay.

8 THE COURT: Okay. So you say that Ms. Puza's
9 father is willing to post his house?

10 MR. MARTINELLI: Yeah, father and mother,
11 Judge. They're on the deed together. They're from
12 Bangladesh. They live in Staten Island for two years
13 now.

14 THE COURT: Are they here?

15 MR. MARTINELLI: They're not here today. They
16 were working, Judge.

17 THE COURT: Okay. So you propose --

18 MR. MARTINELLI: A \$1 million bond secured by
19 one house in Staten Island signed by three people, Ms.
20 Puza and her parents.

21 THE COURT: And the other suggestions from
22 Pretrial Services?

23 MR. MARTINELLI: Your Honor, I would agree to
24 everything. I don't think there's a need for the
25 electronic monitoring. I certainly would agree with it.

Proceedings

1 Mr. Brooke works his own jobs. He works 60 to 80 hours a
2 week. Sometimes he comes to my house. He was at my
3 house Friday dropping off wine at like 12 at night with
4 his truck, his big dump truck. So I would ask that he be
5 allowed to go to work, Judge.

6 THE COURT: Well, electronic monitoring doesn't
7 preclude that. Home detention --

8 MR. MARTINELLI: No, but he's going to have to
9 give his work schedule, correct, to --

10 THE COURT: Do you want to respond?

11 MR. RODDIN: Yes, please. A few points.

12 Initially, as to the point about there's no one
13 on earth who would call Mr. Brooke a Gambino associate,
14 it's not something that I just made up. It's alleged in
15 the indictment at paragraph 15.

16 With respect to injuries to John Doe number 2,
17 I am quite honestly astounded to hear defense counsel say
18 that that is a not serious assault.

19 THE COURT: Okay. I see the picture. One eye
20 is shut, the other is almost --

21 MR. MARTINELLI: It's a black eye and cut,
22 Judge.

23 MR. RODDIN: The argument that the Court should
24 look at that photo and say that it's no big deal, it's
25 just a bloody forehead is one that the Court can and

Proceedings

1 should easily reject.

2 And third, with regard to the dismissal of that
3 assault in state court, immediately after that assault
4 the victim, and John Doe number 2, contacted Danny
5 Tantillo, Mr. Brooke's co-defendant, because John Does 1
6 through 4 knew that Tantillo was the one behind the
7 assault. It's part of the extortion scheme that he's
8 charged in. Danny Tantillo pressured those people not to
9 pursue the charges. And after speaking with Tantillo,
10 the victim contacted the NYPD and said in substance after
11 consulting with some mutual friends I've decided I don't
12 want to press charges. So that's the reason for the
13 state dismissal of the case, witness intimidation,
14 witness tampering. Not because there was some self-
15 defense claim that was corroborated and led to the
16 dismissal of the case. It was misconduct that led to the
17 dismissal of the case, intimidation, and fear.

18 MR. MARTINELLI: Your Honor, the government
19 claims to have spoken to -- or they claim to have put it
20 in their detention memo, but the detention memo was from
21 them. So they've misled the Court. They didn't tell the
22 Court about this dismissal.

23 And interestingly, their allegations claim that
24 Mr. Tantillo called him and I guess brokered a deal. I
25 would disagree with that completely. Mr. Brooke has

Proceedings

1 nothing to do with Mr. Tantillo. Okay? I don't think
2 the wiretaps would show that. If they were, they would
3 be here today. Mr. Brooke would be charged with the
4 racketeering conspiracy. He's not.

5 And even more to the point, Judge, just like
6 they spoke to their witness, who by the way hired Mr.
7 Brooke twice afterwards, just like they spoke to their
8 witness, I spoke to the lawyer and the lawyer told me
9 this is an open and shut case of a 343 prior to
10 arraignment.

11 So the fact that they've misled you alone and
12 are now telling you that they knew about the dismissal is
13 a little bit concerning to me. That should be in their
14 memo, Judge.

15 THE COURT: All right. Let's move on to -- I'm
16 saving my determinations for each of them for the end.
17 Mr. Vicari.

18 MR. GALEOTTI: Thank you, your Honor.

19 Here again, the government seeks detention of
20 Mr. Vicari pursuant to 18 United States Code Section
21 3142(f)(1)(A) because the defendant engaged in a crime of
22 violence, as well as pursuant to 18 United States Code
23 Section 3142(f)(2) because there's a serious risk the
24 defendant will flee and because there is a serious risk
25 the defendant will obstruct justice or threaten to injure

Proceedings

1 witnesses or victims.

2 Your Honor, like Mr. Rappa, Mr. Vicari is a
3 longtime associate of the Sicilian mafia as well as the
4 Gambino crime family in New York. Mr. Vicari was caught
5 on several wiretaps, judicially authorized wiretaps, of
6 Mr. Rappa's phone. Mr. Rappa and Mr. Vicari discussed in
7 detail the extortion of John Doe 1. They discussed in
8 detail in incident in which they approached an associate
9 of John Doe 1, threatened him. They discussed in detail
10 picking up cash payments from extortion victims. Indeed,
11 as indicated in the detention memorandum, Mr. Vicari,
12 after successfully extorting one victim, toasted
13 champagne which Mr. Rappa sent to Mr. Tantillo
14 demonstrating both their involvement in the underlying
15 violent extortion as well as their association with the
16 Gambino crime family. They worked quite closely with Mr.
17 Tantillo.

18 I would also submit, your Honor, that pursuant
19 to the wiretaps, Mr. Vicari was treated as somewhat at a
20 lesser station within the hierarchy and he often felt he
21 had to prove himself to both Mr. Rappa and Mr. Tantillo,
22 was therefore willing to engage in or conduct in order to
23 demonstrate his worth to the organization, namely the
24 Gambino crime family.

25 With respect to flight, your Honor, Mr. Vicari

Proceedings

1 is a dual citizen. He has an Italian passport. He has
2 ties to Sicily and the Sicilian mafia. He has financial
3 resources as well as contacts here and abroad who could
4 help him flee. He's facing significant penalties.

5 And so for those reasons he's a risk of flight.
6 So we submit, your Honor, for both dangerousness and risk
7 of flight Mr. Vicari should be detained pending trial.

8 THE COURT: Refresh my recollection. You have
9 in the detention memo discussed the actual actions of Mr.
10 Vicari?

11 MR. GALEOTTI: Yes, your Honor. Those include
12 page 6. And your Honor, if I may, the allegation is that
13 Mr. Vicari was part of the extortion of John Doe 1. Mr.
14 Vicari, Mr. Tantillo, Mr. Rappa, Mr. Johnson, and others
15 coordinated damage to John Doe 1's carting trucks and the
16 hammer assault of the employee at demolition company 1.
17 Vicari and Rappa approach John Doe 1's associate and
18 threatened him and John Doe 1 if the associate did not
19 get John Doe 1 to make extortionate payments.

20 Rappa and Vicari called Tantillo immediately
21 afterwards to summarize the events and Rappa reported to
22 Tantillo that the associate almost started crying.

23 During another intercepted phone call, Rappa
24 told Tantillo that Vicari quote acted like the last of
25 the samurai during their meeting with the associate.

Proceedings

1 Rappa described how Vicari picked up a knife and directed
2 John Doe 1's associate to threaten to cut John Doe 1 in
3 half in order to get John Doe 1 to make extortionate
4 payments. According to Rappa, what Vicari said was get t
5 his ax, you make him two.

6 Your Honor, this is illustrative of the kind of
7 conduct that Mr. Vicari himself engaged in. This isn't
8 just an association issue. It is certainly an
9 association issue, but it is beyond that. It goes to his
10 own actions and his own involvement in threatening
11 individuals that the Gambino crime family was extorting.

12 THE COURT: Do you have any similar evidence in
13 wiretaps or anything like that for Mr. Brooke?

14 MR. GALEOTTI: Your Honor, that predates the
15 judicially authorized wiretaps in this case, that
16 assault.

17 THE COURT: All right. Thank you. Mr.
18 Shulman?

19 MR. SCHULMAN: Thank you, your Honor. It's our
20 position that consistent with the recommendation of
21 Pretrial Services there is substantial evidence of a set
22 of conditions that can ensure Mr. Vicari's appearance to
23 defend against these charges as well as his safety in
24 the -- ensuring safety in the community generally.

25 Mr. Vicari is uniquely situated if you will,

Proceedings

1 your Honor. He's a U.S. citizen as well as a citizen of
2 Italy. As I've already discussed with the government,
3 he's already produced his U.S. passport to the government
4 and his wife, who's on the conference line, has his
5 Italian passport. And we certainly agree to turn that
6 over to take away any risk of flight and leaving the
7 country or leaving the New York City area for that
8 matter.

9 Part of what makes this situation unique is
10 that Mr. Vicar is 62 years old. He had serious, or he
11 has serious cardiac issues including heart surgery
12 earlier in the year that required three stents. His
13 wife, who he's been married to for 40 years I believe
14 underwent cancer surgery last week and is recovering.
15 And Mr. Vicari is the sole caretaker for her as well as
16 her mother who also lives with them.

17 In the courtroom today, your Honor, is Antonino
18 Russo, who's in the front row on the right who's Mr.
19 Vicari's brother-in-law. Mr. Vicari and Mr. Antonino,
20 Mr. Russo, together own a two-family house in Elmont.
21 Mr. Russo and his wife live on the ground floor. Mr.
22 Vicari, his wife, and his mother live upstairs. Mr.
23 Russo, as well as Mr. Vicari and his wife, have agreed to
24 post the house as bond to help ensure Mr. Vicari's
25 appearance to defend against these charges.

Proceedings

1 Also in court is Mr. Vicari's youngest son, he
2 has two sons, Lorenzo, who's sitting in the front row
3 second from the right who works for the New York City
4 Sanitation Department earning a respectable income which
5 I could share with the Court if you want to hear it, but
6 also Mr. Vicari, younger Mr. Vicari, is here to help give
7 assurances to the Court that his father will be defending
8 against these charges, takes the charges seriously, and
9 would be willing to again post whatever type of bond is
10 necessary that would give peace to the Court that again
11 Mr. Vicari wouldn't be a risk to the safety of the
12 community or flight.

13 Mr. Vicari works at Novo Construction as a
14 general superintendent in New Jersey. He's been
15 gainfully employed for 40 years as I understand. He
16 currently is working in construction. Prior to that, he
17 worked in a different area for a different demolition
18 company I believe.

19 We would agree to terms of restricting his
20 travel to the New York City metro area including New York
21 City, Long Island. And frankly the only additional
22 condition that we would propose for the Court is New
23 Jersey because that's where Novo Construction is located
24 and that's where he reports to work each day.

25 We would highlight for the Court that the

Proceedings

1 allegations of Mr. Vicari are related to threats against
2 only one person again identified as John Doe 1 throughout
3 the sentencing, the detention memorandum. There are no
4 other allegations against Mr. Vicari beyond this one
5 situation where John Doe 1 was supposedly threatened. Of
6 course Mr. Vicari denies those allegations and he has a
7 very different position about what the image on page 6 of
8 him holding a glass of wine was meant to represent.

9 Mr. Vicari has no criminal history neither in
10 Italy or the United States. There is no indication that
11 Mr. Vicari was ever engaged in any acts of witness
12 retaliation, witness intimidation, obstructing justice.
13 No evidence of substance abuse, no access to weapons, no
14 indication of an access to weapons again, giving the
15 Court assurances that he will not be a threat to the
16 community.

17 I won't dwell on it, but as the Court heard
18 earlier there were search warrants executed on an earlier
19 date but Mr. Vicari complied with it. The officers
20 entered his home and took certain property from him and
21 he just kept going about his business. He kept showing
22 up to work each day, kept taking care of his wife, kept
23 taking care of his mother-in-law.

24 Just checking my notes, your Honor. I think
25 I'm just about done. That's all I have.

Proceedings

1 And your Honor, again, Mr. Vicari's wife,
2 Josephine, is on the line. So to the extent that the
3 Court wants to inquire of her, please do so, and the
4 brother-in-law and son are in the courtroom right now.

5 THE COURT: Have you had the opportunity to
6 speak with any of the proposed sureties?

7 MR. GALEOTTI: We haven't, your Honor.

8 THE COURT: You haven't.

9 MR. GALEOTTI: Have not.

10 MR. SCHULMAN: Your Honor, if I may, I did
11 propose this package to the government early in the
12 morning with the names and I've been trying to get
13 consent and work this out with them.

14 THE COURT: Okay. You want to respond?

15 MR. GALEOTTI: Your Honor, I would just correct
16 one thing. I don't think there's any additional points
17 to be made. But again, just to emphasize, even within
18 the extortion of John Doe 1, multiple individuals were
19 threatened just in that scheme alone. John Doe 1 himself
20 Mr. Vicari engaged in, as well as associates of John Doe
21 1 which again, Mr. Vicari also engaged in.

22 So these violent threats were a pattern of
23 behavior consistent with the enterprise and consistent
24 with Mr. Vicari's own personal conduct. It was not a one
25 off or an aberration.

Proceedings

1 THE COURT: Okay. Let's move on to Mr.
2 Minsquero.

3 MR. RODDIN: Your Honor, with respect to Mr.
4 Minsquero, the government is also moving for detention on
5 the same two grounds under Section 3142(f)(1)(A) because
6 the defendant is charged with a crime of violence, and
7 under 3142(f)(2)(A) and that there is a serious risk he
8 will flee, as well as (f)(2)(B) --

9 THE COURT: Just one second.

10 MR. RODDIN: -- there's a serious risk he will
11 obstruct justice --

12 THE COURT: Just one second, please.

13 MR. RODDIN: -- or threaten or injure witnesses
14 or victims in this case.

15 THE COURT: I apologize.

16 MR. RODDIN: That risk of witness intimidation
17 is not merely based on the defendant's association with
18 the Gambino family which is a substantial reason in
19 itself. He's also charged with witness retaliation.
20 This is the assault at the restaurant that's described on
21 page 9 of our detention memorandum in which he and co-
22 defendant James LaForte caused an injury to another
23 person when LaForte smashed that person with a glass
24 bottle and this defendant flipped the table over sending
25 drinks and shattered glass all over the place.

Proceedings

1 The detention memo also describes an additional
2 violent incident, this one rather more recent in
3 September of 2023 at a restaurant in New Jersey where a
4 short time after Minsquero and Joseph Lanni were asked to
5 leave because they had become belligerent and a short
6 time after Lanni called the restaurant dozens of times
7 and threatened the restaurant's owner, two men assaulted
8 the restaurant's owner and the owner's spouse at
9 knifepoint.

10 There is also evidence that Joseph Lanni, who
11 as we discussed a few times this afternoon, is --

12 THE COURT: Is it the government's contention
13 that one of those two men were Mr. Minsquero?

14 MR. RODDIN: Your Honor, Mr. Minsquero was
15 present with Mr. Lanni earlier in the evening during the
16 initial altercation when the two were asked to leave.
17 There's video surveillance that we identify in the
18 detention memo where Mr. Lanni is attempting to in
19 essence follow through on his threat to burn down the
20 restaurant. And the evidence suggests that they were
21 together for a considerable period of time that evening.

22 There's also evidence that Lanni, who was a
23 captain in the Gambino crime family, is involved with
24 putting up certain real property as proposed as part of
25 Mr. Minsquero's bond. So there's not only the concern

Proceedings

1 about danger to the community under any conditions of
2 release, but certainly any bond under that type of
3 condition with that type of property being put up is not
4 going to guarantee anything.

5 So it's the government's position that for
6 those reasons Mr. Minsquero should be detained.

7 MR. GELORMINO: Your Honor, may I be heard?

8 THE COURT: Of course.

9 MR. GELORMINO: At the podium? Thank you. I'm
10 happy to (inaudible). I have a --

11 THE COURT: You don't have a sinus infection?

12 MR. GELORMINO: Yeah. I am coughing a little.

13 Your Honor, I sat there and I'm appalled that
14 the government just said the last thing that they said
15 about Mr. Lanni putting up property or alleging something
16 like that for Mr. Minsquero. They had asked me just
17 before court started about what they just spoke about and
18 I gave them the explanation as to what happened. And I
19 am an officer of the court.

20 They claim -- what happened was there was a
21 bunch of emails that were going back and forth, dozens in
22 a list. And in between that time, Ms. Lanni, who is
23 friends with Mr. and Mrs. Minsquero, who had never been
24 through this before, sent me an email with the two
25 properties that Mr. Minsquero would post in case he had

Proceedings

1 to post bail. I was forwarding those two properties to
2 my assistant but I forwarded it to one of the government
3 attorneys instead unbeknownst to me. They asked me as
4 soon as I walked in. I walked over and I explained the
5 situation. For them to use that in this situation just
6 goes to show your Honor what's going on here as far as to
7 Mr. Minsquero. That was just an honest mistake.

8 THE COURT: Who owns those properties?

9 MR. GELORMINO: Mr. and Mrs. Minsquero,
10 Vinnie's parents. They've owned it for 30 years. Mr.
11 Minsquero is a former, retired firefighter, mechanic in
12 the fire department for 30 years. Mrs. Minsquero worked
13 as a school aide. They've owned the property since 2010
14 I think or 2008. They --

15 THE COURT: There are two properties though you
16 said.

17 MR. GELORMINO: Second property is his sister's
18 property who's married with her husband.

19 All I did in an email chain that was this long
20 was forward it to the wrong spot. And to use that here
21 to try to keep Mr. Minsquero in jail is really, really
22 disconcerting, Judge, to me and to the Court.

23 As far as the allegations go, your Honor, Mr.
24 Minsquero stands before you. He's worked at the same
25 place for ten years. He's an MTA employee. The only

Proceedings

1 family he belongs to is the Minsquero family. He's
2 worked at MTA for ten years. Before that, he worked at
3 the Port Authority for another five years. He's been a
4 hard-working young man his whole entire life. He's never
5 traveled out of the country other than to go on a couple
6 of vacations. He's a single guy. When he was younger,
7 go to Club Med.

8 And what the people allege in their detention
9 memo --

10 THE COURT: I'm listening.

11 MR. GELORMINO: -- is tantamount to just
12 flipping a table. He was never, Mr. Minsquero, was never
13 served a warrant three years ago. He had no idea this
14 was coming down supposedly. If he was such a risk to the
15 community, I don't want to belabor the point because your
16 Honor has mentioned a couple of cases, they could have
17 arrested him for the last three years. I actually called
18 the people a month ago, or the government a month ago, to
19 see what was going on and to surrender himself.

20 But again, he was never notified. There was
21 nothing overt towards him. He didn't know this was going
22 on until about a month ago, maybe two months ago when the
23 FBI agent stopped him.

24 As far as what they allege in their papers, he
25 flipped a table. And we are not conceding that he did

Proceedings

1 that, but that's what it amounts to. And they want him
2 to spend the next year in jail while he fights this case
3 in jail because he allegedly flipped a table? He's not
4 the one -- the government themselves say right in their
5 papers he's not the one that hit that person. He was at
6 a restaurant. There's no other crimes alleged here, your
7 Honor. None.

8 The people refer to some crime in Jersey. And
9 if you notice, your Honor, I know how intelligent your
10 Honor is and you don't miss a thing, they didn't answer
11 your question when you asked your question whether it was
12 him or not. He gave a long-winded answer but he never
13 answered your question. He was never picked out. From
14 what I understand, the people in that, the victim in that
15 case was shown a picture of Mr. Minsquero and didn't pick
16 him out.

17 And then they refer to a situation where Mr.
18 Lanni went to a gas station or something like that. In
19 their own papers they say that Mr. Minsquero diffused
20 that situation, calmed that situation down. I've known
21 Vincent for six or seven years now. He's never had a
22 temper. He speaks quietly. He's soft-spoken. He's a
23 good guy.

24 And for them to want to keep him in jail for a
25 year while this case is going on over an incident about

Proceedings

1 flipping a table that again we do not concede at all is
2 absurd.

3 Your Honor, he's got no history of travel. He
4 doesn't have a passport. He's not a flight risk. He's
5 got an autoimmune disease which he's been diagnosed with.
6 Again, there's no subpoena that's been served. And the
7 Pretrial report themselves recommends an unsecured bond
8 and a bunch of restrictions that Mr. Minsquero would
9 obviously follow.

10 So your Honor, I'm going to ask you to give a
11 lot of credence to what the Pretrial report says and
12 allow Mr. Minsquero to have his family post his home.
13 The home is worth almost \$1 million, \$950,000. I think
14 there's a \$200,000 bond on it.

15 THE COURT: Mortgage.

16 MR. GELORMINO: Mortgage still on the house.
17 Yes.

18 THE COURT: What about the sister's property?

19 MR. GELORMINO: The sister's property is worth
20 I think 650 or 7, and there's a \$500,000 mortgage. She's
21 a lot younger, your Honor, so she didn't get a chance to
22 pay off her mortgage yet. As far as the parents go,
23 they've been paying off their mortgage for quite some
24 time. And again, your Honor --

25 THE COURT: And the sister owns property with a

Proceedings

1 husband or just herself?

2 MR. GELORMINO: It's with her husband.

3 THE COURT: Okay.

4 MR. GELORMINO: Yeah. The parents are in the
5 audience here. They will be more than happy to sign,
6 your Honor. Again, to put that mistake in my part in
7 this proceeding is just very disconcerting. Thank you,
8 your Honor.

9 MR. RODDIN: Your Honor, with respect to the
10 incident in Toms River, New Jersey, the simple answer is
11 that we're still investigating who the two perpetrators
12 of that assault was. Were. Excuse me. Obviously, the
13 fact that Lanni and Minsquero were together for a
14 considerable part of the evening and that as far as we
15 know there was nobody else who had a similar vendetta
16 against this restaurant, those factors are certainly
17 suggestive of their involvement in the assault. But this
18 was about two months ago and we're continuing to
19 investigate that.

20 It's also important for the Court to know that
21 in that incident there is a similar pattern of behavior
22 on the part of the victims as there was in the assault
23 involving Robert Brooke. One of the victims of that
24 assault contacted someone he knew who he knew might have
25 information about organized crime and said, as we allege

Proceedings

1 on page 10 of the detention memo, "This person Joe, Joe
2 Lanni, identified himself as a Gambino. Can you find out
3 for me if he really is?" The answer came back to the
4 victim from the friend, "Yes, Joe Lanni really was a
5 Gambino." And subsequent to that, the restaurant owner
6 and the spouse contacted the Toms River Police Department
7 and said we don't want to pursue this any further because
8 they learned he was a member of an organized crime
9 family.

10 With respect to the interactions at the gas
11 station, to the extent that Mr. Minsquero was diffusing
12 the situation, I think it's fair to infer that he wasn't
13 doing it out of the goodness of his heart. I know I've
14 said it several times, but Joseph Lanni is a captain.
15 It's not a good look for a captain in an organized crime
16 family to try to burn a restaurant, and arson attracts
17 attention. And so to the degree that Mr. Minsquero was
18 instructing or trying to persuade Mr. Lanni not to follow
19 through with that, he was doing so to protect the
20 captain, to protect the enterprise.

21 And finally, on the point about the involvement
22 of Mr. Lanni or his family in posting Mr. Minsquero's
23 property, defense counsel pointed out that it was a
24 relative of Joseph Lanni who provided the information to
25 him about Mr. Minsquero's properties. I think the Court

Proceedings

1 should really take a hard look at why it might be that a
2 relative of Joseph Lanni is the one providing detailed
3 information about Vincent Minsquero's real property.
4 It's not for any good reason.

5 MR. GELORMINO: Your Honor, that is completely
6 untrue. Ms. Lanni -- and again, that is disingenuous and
7 untrue. That should be something the Court considers.
8 Mr. and Mrs. Minsquero have never dealt with a situation
9 like this. Unfortunately, Ms. Lanni has. They've been
10 friends for a long time. She asked for help. They
11 called me a bunch of times both of them on the phone
12 together. So to misinterpret that and for the Court to
13 use that is totally misguided, your Honor.

14 As far as the case down in Jersey, from what I
15 understand the two people were in the restaurant, the
16 owners of the restaurant, before they found out that Mr.
17 Lanni was so-called a Gambino captain, refused to pick
18 Mr. Minsquero out. It wasn't after, it was before.

19 And the last point I'd like to make, your
20 Honor, is he's never been arrested before. He's never
21 been charged with a crime. He's 36 years old. His
22 record is completely, completely clean. And for the
23 government to allege that there was an incident down in
24 Manasquan and Mr. Minsquero was doing it for untoward
25 reasons other than the fact that he didn't want to see

Proceedings

1 any kind of escalation of a situation is again just
2 disingenuous. Your Honor, I would ask you not to
3 consider any of those things.

4 (Pause in proceedings)

5 THE COURT: Close call for all of these
6 gentlemen. Notwithstanding the government's proffer that
7 each of these gentlemen is a danger and a risk of flight,
8 I find that there are conditions that will guard against
9 the danger and the risk of flight along the lines of what
10 has been proposed. I'm inclined to release each of them
11 on a \$1 million bond with the sureties they propose, the
12 properties, and the other suggestions, conditions
13 suggested by Pretrial Services for each of them including
14 home detention and location monitoring as directed by
15 Pretrial Services.

16 I am willing to stay those decisions if the
17 government is going to appeal to Judge Block or to the
18 miscellaneous judge but I need to know that now because
19 we have the sureties here and I don't want to waste
20 everyone's time.

21 MR. GALEOTTI: Your Honor, the government would
22 ask for a short stay till tomorrow afternoon by which
23 point the government will either make its appeal or
24 notify the Court that it won't make such an appeal to the
25 extent that's determined earlier than that time that the

Proceedings

1 government would of course let the Court know. But at
2 this point we do intend to file an appeal and therefore
3 ask for a stay for 24 hours.

4 THE COURT: Do you know -- well, never mind.
5 That's fine. Who knows what tomorrow brings. We might
6 have another busy day.

7 But I will give all of the sureties an
8 opportunity to appear by telephone rather than in person
9 tomorrow. And the way we could do it is we can take
10 everyone's signature now but we'll --

11 MR. MARTINELLI: Your Honor, if Ms. Puza could
12 put her signature on now? I think she's scheduled to
13 visit her family at some point on Monday.

14 THE COURT: All right. Let's do this. Since
15 we have everyone here, let's do it. I will not sign the
16 bonds until we know whether or not the government is
17 appealing. So let's start with Mr. Rappa. Who are the
18 proposed sureties, the names, please?

19 MR. GOSNELL: Obviously one would be Mr. Rappa
20 and the second would be his wife, Margarita Rappa, who is
21 in the second row.

22 MR. RODDIN: Your Honor, if we may, just to
23 confirm on what the conditions include before the bonds
24 are signed, is there a provision in the proposed bond
25 that your Honor intends to order that there should be no

Proceedings

1 contact with any co-defendants or members of --

2 THE COURT: Well, it's a standard condition in
3 these types of cases. No contact with co-defendants,
4 witnesses, or known or suspected members of organized
5 crime.

6 MR. RODDIN: Thank you, your Honor.

7 THE COURT: So for Mr. Rappa, it will be a
8 secured bond secured by his home and his wife acting as a
9 surety; Pretrial Services supervision; surrender of
10 passports and no applications for passports or
11 international travel documents; travel restricted to New
12 Jersey, New York City, and Long Island; no contact with
13 co-defendants, witnesses, or victims, and known or
14 suspected members of organized crime; Pretrial Services
15 supervision; random home visits; reporting as directed;
16 maintain a residence as approved by Pretrial Services;
17 and home detention with electronic monitoring. Mr. Rappa
18 can leave for court appearances, court-ordered
19 obligations, attorneys visits, religious services,
20 medical appointments, employment, et cetera.

21 Ms. Rappa, can you please come up? Ms. Rappa,
22 I'm going to ask you some questions.

23 MS. RAPPA: Good evening, your Honor.

24 THE COURT: Your answers must be made under
25 oath, so please raise your right hand.

Proceedings

1 M A R G A R I T A R A P P A,

2 called as a witness, having been first duly sworn,
3 was examined and testified as follows:

4 THE COURT: Okay. What is the address of the
5 houses that --

6 MS. RAPPA: 2 Matthew Manor is Brunswick, New
7 Jersey.

8 THE COURT: 2 Matthew Manor?

9 MS. RAPPA: Yeah.

10 THE COURT: Okay. All right. And are you
11 working?

12 MS. RAPPA: Yes.

13 THE COURT: What do you do for a living?

14 MS. RAPPA: I do work in a high school. I'm a
15 paraprofessional.

16 THE COURT: Okay. And what is your income
17 approximately per year?

18 MS. RAPPA: From school?

19 THE COURT: Yes.

20 MS. RAPPA: Because I do work at the pizzeria
21 too. We have restaurants, your Honor.

22 THE COURT: You have a restaurant?

23 MS. RAPPA: Yes, we do have, which my husband
24 is taking care of 14 hours a day.

25 THE COURT: How much is the house worth?

Proceedings

1 MS. RAPPA: We actually was about to selling,
2 we just didn't find anywhere to go, about a year ago.
3 And were willing to pay 1.6.

4 THE COURT: Okay. You understand what it means
5 to sign a bond?

6 MS. RAPPA: Yes, I do.

7 THE COURT: And you are willing to post your
8 house as collateral, correct?

9 MS. RAPPA: Correct.

10 THE COURT: All right. Why don't we give --
11 and the confession of judgment has to be filed by
12 Wednesday.

13 MR. GOSNELL: I was going to request that, your
14 Honor.

15 THE COURT: Okay.

16 MR. GOSNELL: So long as she's given some time,
17 as long as he is released upon his signature and upon his
18 wife's signature once the determination by the U.S.
19 Attorney's Office as to whether they will appeal has been
20 decided.

21 One additional request that I have, and this
22 goes to notice, which is I know that the standard
23 condition is that Mr. Rappa not have any contact with
24 victims or witnesses. Because of the fact that we don't
25 know who those are, I mean that solely is within the

Proceedings

1 province of the government as to who they consider is a
2 victim or a witness in the matter, I would ask that the
3 Court direct them to provide us with a list of those
4 individuals so that we can ensure Mr. Rappa doesn't have
5 any contact with them because otherwise he's in sort of a
6 no win situation. If he has contact, if they deem that
7 person as a witness, he is in violation of the
8 conditions, the house is subject to seizure, the bond is
9 subject to seizure as well. And that could have
10 obviously significant consequences on himself, his wife,
11 and everybody in his family.

12 MR. GALEOTTI: Your Honor, it's not a
13 reasonable request for the government to provide a list
14 of witnesses who have been targeted, attached, threatened
15 to the defendants in this case. I think the best thing
16 to do is the defendants understand who the witnesses are.
17 If there's a disagreement, we would certainly engage with
18 counsel prior to making an application to the Court. But
19 we could not possibly in any reasonable way to protect
20 safety provide a list of witnesses in this case. It
21 would endanger their safety and that's a risk we can't
22 bear.

23 MR. GOSNELL: And your Honor, by the same
24 token, Mr. Rappa couldn't possibly determine who he can
25 or can't have conversations with. This isn't that he's

Proceedings

1 not allowed to threaten people or he's not allowed to
2 have any sort of criminal activity with people. It's
3 merely having contact with any individual at all.

4 So for example, if one of the witnesses works
5 at one of the restaurants that he owns and operates and
6 he goes to work, he is immediately in violation of the
7 bond.

8 THE COURT: Do any of the victims work at
9 restaurants that Mr. Rappa owns and operates that you
10 know of?

11 MR. GALEOTTI: No.

12 THE COURT: Okay. And Mr. Brooke, who are the
13 sureties, please?

14 MR. MARTINELLI: It would be Mr. Brooke
15 himself, his fiancée who's here --

16 THE COURT: Farjana Puza?

17 MR. MARTINELLI: Yes. She would not be on the
18 property, she would just sign the bond. The property is
19 her mother --

20 THE COURT: But they need to sign the bond as
21 well.

22 MR. MARTINELLI: Yes.

23 THE COURT: What's the name?

24 MR. MARTINELLI: Salma Parvin, P-A-R-V-I-N.

25 THE COURT: Is she here? Or no, she's not?

Proceedings

1 MR. MARTINELLI: She's not.

2 THE COURT: And her father?

3 MR. MARTINELLI: I believe the second person on
4 the deed is the sister. It's Pfarzana, P-F-A-R-Z-A-N-A,
5 Pushpo, P-U-S-H-P-O.

6 THE COURT: Okay. We're going to have to get
7 all of their addresses to put on the bond. I'm sorry,
8 Ms. Rappa, you can sit down.

9 MS. RAPPA: Oh, okay.

10 THE COURT: I apologize.

11 MR. MARTINELLI: Your Honor, I can give you the
12 address of the property that would be posted.

13 THE COURT: Yes, please.

14 MR. MARTINELLI: 33 Forrestal,
15 F-O-R-R-E-S-T-A-L, Avenue, Staten Island, New York 10312.

16 THE COURT: And that's owned by Pfarzana --

17 MR. MARTINELLI: And Salma.

18 THE COURT: -- Pushpo and Salma Parvin.

19 MR. MARTINELLI: That's correct.

20 THE COURT: Okay. They are going to -- two
21 things for them. We have Ms. Puza here and she's going
22 to come up and stand by the podium so I can give her the
23 warnings. Ms. Parvin and Ms. Pushpo will have to call in
24 tomorrow afternoon if the government doesn't appeal or if
25 they do appeal and it's unsuccessful, for me to give them

Proceedings

1 warnings and take their signatures over the phone. And
2 we can do that -- well, I don't know when they'll be able
3 to appeal.

4 THE CLERK: So can the government contact our
5 office?

6 MR. GALEOTTI: We will. We'll let --

7 THE COURT: Let's schedule it for 2 o'clock.

8 THE CLERK: Okay. Let's do that.

9 MR. GALEOTTI: That's fine, your Honor. We
10 certainly can let --

11 THE COURT: We'll know by then.

12 MR. GALEOTTI: Yes. Exactly.

13 THE CLERK: Okay.

14 THE COURT: And the confession of judgment
15 needs to be filed by Wednesday the --

16 THE CLERK: We said by next Wednesday?

17 THE COURT: Wednesday is the 15th.

18 THE CLERK: It's the 15th.

19 MR. MARTINELLI: That's correct, your Honor.

20 THE COURT: Yes, by Wednesday 15th. And it's
21 the same conditions, basically the same conditions for
22 Mr. Brooke. The amount of the bond is \$1 million secured
23 by the property; Pretrial Services supervision; random
24 home and workplace visits; surrendering passports, no
25 applications for any other passports or international

Proceedings

1 travel documents; travel restricted to New York City,
2 Long Island, and the Southern District of New York; no
3 contact with co-defendants except in the presence of
4 counsel; no contact with victims or witnesses; and home
5 detention with location monitoring as directed by
6 Pretrial Services.

7 MR. MARTINELLI: Your Honor, may I add the
8 District of New Jersey? Mr. Brooke's company does a lot
9 of repairs to their machinery in New Jersey which he's
10 responsible for delivering.

11 THE COURT: I'm going to put and the District
12 of New Jersey only for work. All right.

13 Ms. Puza, you heard our discussion?

14 MS. PUZA: Yes.

15 THE COURT: Please raise your right hand.

16 F A R J A N A P U Z A,

17 called as a witness, having been first duly sworn,
18 was examined and testified as follows:

19 THE COURT: Okay. You heard our discussion?

20 MS. PUZA: Yes.

21 THE COURT: You understood it?

22 MS. PUZA: Yes.

23 THE COURT: Do you understand what it means to
24 sign a bond?

25 MS. PUZA: Yes.

Proceedings

1 THE COURT: So if Mr. Brooke is released and he
2 violates the terms of his release, you're going to owe
3 the government 1 million bucks. It's a lot of money.
4 Right? They can garnish your wages, seize your assets to
5 satisfy that in addition to going after your mother and
6 sister's house.

7 MS. PUZA: Okay.

8 THE COURT: All right?

9 MS. PUZA: Yes.

10 THE COURT: Okay. Thank you. Well actually
11 no, I'm sorry, you're going to have to sign this bond.

12 THE CLERK: Can you come here?

13 THE COURT: Yes, have her come up.

14 (Pause in proceedings)

15 THE COURT: You can hold onto this, Michelle,
16 because I'm not going to sign it until tomorrow. And
17 actually you know what? We'll take the defendants'
18 signatures now.

19 MR. GOSNELL: Thank you, your Honor. I was
20 going to suggest that as well.

21 THE COURT: Yes. They'll be brought back
22 tomorrow. And if there's no appeal or if it's an
23 unsuccessful appeal, all I'll need to do is sign and get
24 the sureties and then they can be released from
25 downstairs to go to Pretrial.

Proceedings

1 MR. RODDIN: Right. And for those who have
2 already signed, whose suretors have already signed,
3 they'll just be released immediately to go to Pretrial.

4 THE COURT: Yes.

5 MR. RODDIN: Okay.

6 THE COURT: If they sign before, yes. And for
7 Mr. Vicari, who's here for Mr. Vicari? It's his brother-
8 in-law Antonino?

9 MR. SCHULMAN: That's right, Antonino Russo and
10 his son Lorenzo.

11 THE COURT: Lorenzo.

12 MR. SCHULMAN: Yes, your Honor. And his wife
13 is on the line.

14 MS. VICARI: Yes, I'm here. Okay.

15 THE COURT: Okay. Can you gentlemen come up to
16 the podium, please?

17 MR. SCHULMAN: Your Honor, if I could just add
18 one point to have clarification? The house that they
19 reside in is also, is owned by Mr. Vicari, his wife, Mr.
20 Russo, and Mr. Russo's wife is also on that deed, so the
21 four of them.

22 THE COURT: Okay. She's going to have to sign
23 the bond then.

24 MR. SCHULMAN: I understand that and Mr. Russo
25 understands that and I've gotten assurances that that's

Proceedings

1 fine, that that will be okay.

2 THE COURT: Okay. And we can do that on the
3 phone tomorrow.

4 MR. SCHULMAN: Okay. Thank you.

5 THE COURT: All right. Please raise your right
6 hand.

7 A N T O N I O R U S S O and L O R E N Z O
8 V I C A R I,

9 called as witnesses, having been first duly sworn,
10 were examined and testified as follows:

11 THE COURT: Okay. And Ms. Vicari, you're on
12 the phone.

13 J O S E P H I N E V I C A R I,

14 called as a witness, having been first duly sworn,
15 was examined and testified as follows:

16 THE COURT: Okay. I hope you folks were
17 listening to the discussions throughout the proceedings
18 and understand what I was saying. Yes?

19 MR. VICARI: Yes.

20 MR. RUSSO: Yes, sir.

21 THE COURT: Okay.

22 MS. VICARI: Yes.

23 THE COURT: You understand that by signing this
24 bond you are obligating yourselves each individually and
25 collectively to pay to the government \$1 million should

Proceedings

1 Mr. Vicari violate the terms of his release. Yes?

2 MR. RUSSO: I do.

3 MR. VICARI: Yes, sir.

4 MS. VICARI: Yes.

5 THE COURT: Okay. And the house, Mr. Russo, is
6 a two-family house. You and your wife and Mr. Vicari and
7 his wife own it together?

8 MR. RUSSO: Yes. They live on the first floor.
9 I live on the second floor. It was the opposite of what
10 the attorney said. Yes, we own it together. We own 50
11 percent each.

12 MR. SCHULMAN: I apologize for that, your
13 Honor. I conflated that.

14 THE COURT: You probably own it joint tenants
15 or tenants in the entirety, so you each own the whole
16 thing. I think that's the way it goes. But it's been 35
17 years since I took property law.

18 MR. RUSSO: The deed says 25 percent each.
19 That's what it says.

20 THE COURT: Oh, it does?

21 MR. RUSSO: Yes, it does.

22 THE COURT: Okay. All right. So you know if
23 he violates the terms of his release, there goes the
24 house. What's the equity in it about?

25 MR. RUSSO: It's probably worth about 900,000,

Proceedings

1 a million.

2 THE COURT: Okay. All right. So that's a big
3 incentive, Mr. Vicari, to do the right thing. Do you
4 understand?

5 DEFENDANT VICARI: Yes, yes.

6 THE COURT: Okay. All right. And Lorenzo, you
7 work for --

8 MR. VICARI: Department of Sanitation.

9 THE COURT: Sanitation. How long have you
10 worked there?

11 MR. VICARI: Almost two years.

12 THE COURT: All right. How much do you make?

13 MR. VICARI: About 80 grand a year.

14 THE COURT: All right. So if there's not
15 enough equity in the house, your dad violates the terms
16 of his release, they're going to garnish your wages, take
17 a little bit out of each paycheck.

18 MR. VICARI: Yes, sir.

19 THE COURT: So you've got to make sure he
20 behaves. Understood?

21 MR. VICARI: Yes, sir.

22 THE COURT: All right. Let me just take a look
23 at the bond and then -- do we have the address? Okay,
24 what's the address? Is it -- hold on just a second.

25 THE CLERK: I thought I had it.

Proceedings

1 THE COURT: 40 Lucille?

2 THE CLERK: Let me see. Yeah, 40 Lucille
3 Avenue. Is that correct?

4 MR. SCHULMAN: Yes, that's right. It's on the
5 cover of the Pretrial report. That's where I just --

6 THE COURT: That's where I'm getting it from.
7 Thank you. Property owned by Josephine --

8 THE CLERK: Antonio, right? Antonio? Okay.
9 And --

10 THE COURT: Wait. We need another -- so we
11 have Josephine Vicari, Lorenzo Vicari. You have
12 Josephine twice.

13 MR. SCHULMAN: Lorenzo Vicari is not on the
14 house.

15 THE COURT: Hm?

16 MR. RUSSO: Lorenzo Vicari is not on the house.

17 THE COURT: No, no, no, but he's signing the
18 bond.

19 MR. RUSSO: Oh, okay.

20 THE COURT: That's okay. So it's Antonino,
21 A-N-T-O-N-I-N-O, Russo.

22 THE CLERK: Yeah.

23 THE COURT: And Mr. Russo, what is your wife's
24 name?

25 MR. RUSSO: Josephine also.

Proceedings

1 THE COURT: Okay. That's easy. Josephine
2 Russo. All right. Ms. Vicari, you --

3 MS. VICARI: Yes, I'm here.

4 THE COURT: Ordinarily you'd be in court to
5 sign the bond.

6 MS. VICARI: Unfortunately, I can't.

7 THE COURT: But will you give me the authority
8 to sign the bond for you?

9 MS. VICARI: Yes, I do.

10 THE COURT: Okay. And that's 11/8/2023. Okay.
11 Now let's have, you know, let's have Mr. Vicari, Mr.
12 Russo, and Mr. Vicari sign.

13 THE CLERK: Okay. So sign your name.

14 MR. RUSSO: My wife has to come here tomorrow
15 or we're going to do it over the phone? My wife.

16 MR. SCHULMAN: Over the phone.

17 THE CLERK: I think it's over the phone.

18 MR. RUSSO: Okay. What time is the call going
19 to be?

20 THE CLERK: 2 o'clock. Sign over there. Oh, I
21 need your address too.

22 (Pause in proceedings)

23 THE CLERK: And the property is owned by
24 Josephine?

25 MR. RUSSO: Josephine, Josephine --

Proceedings

1 THE CLERK: Josephine and Josephine.

2 MR. RUSSO: Antonino.

3 THE CLERK: Josephine. Her name is Vicari?

4 MR. RUSSO: One's Vicari and one's Russo.

5 THE CLERK: Russo. And --

6 MR. RUSSO: Antonino Russo. Can you give me a
7 number of who to call at that time?

8 THE CLERK: The attorney is going to let you
9 know, yeah. Okay. So that's the home. It's stayed
10 until tomorrow. So we have to come back tomorrow.

11 MR. SCHULMAN: Your Honor, can I just confirm
12 that -- sorry. Just to confirm that Mr. Vicari's
13 permitted to go to Jersey for at least the work purposes
14 because that's where his principle place of business is.

15 THE COURT: Is that not on the bond? Did I --

16 MR. SCHULMAN: I didn't see that, Judge, so --
17 can I approach, Judge?

18 THE COURT: Yes. Mr. Vicari needs to sign.
19 Did he?

20 (Pause in proceedings)

21 THE COURT: And that would be for Mr.
22 Minsquero.

23 THE CLERK: Thank you.

24 MR. SCHULMAN: It's on there, your Honor, so I
25 take that back. Thank you.

Proceedings

1 THE CLERK: Okay. Thanks.

2 THE COURT: The property that's being proffered
3 or put up for Mr. Minsquero is his mother and father's
4 home?

5 MR. GELORMINO: Yes.

6 THE COURT: And they're here?

7 MR. GELORMINO: Yes.

8 THE COURT: Okay. And his sister's property?

9 MR. GELORMINO: Judge, I just was spoken to by
10 Mr. Joseph Spano, who is Mr. Minsquero's first cousin and
11 who's been here the whole proceeding. He's willing to
12 put up the second house to make it easier since he's
13 here.

14 THE COURT: Okay.

15 MR. GELORMINO: And his house can cover
16 everything. He's got a \$1.2 million house. There's a
17 \$200,000 mortgage. He was in the navy and he retired
18 from the NYPD also as a mechanic.

19 THE COURT: What's his name?

20 MR. GELORMINO: Joseph Spano.

21 THE COURT: You did tell me that. I apologize.
22 And you have the address on that?

23 MR. GELORMINO: I do. It's 1 -- is it 10?

24 MR. SPANO: 100.

25 MR. GELORMINO: 100. I'm sorry. 100. I can't

Proceedings

1 understand my own handwriting. Evergreen Avenue in
2 Staten Island, and that's 10305, your Honor.

3 THE COURT: And what's mom and dad's property?

4 MR. GELORMINO: It's on the Pretrial, it's 168
5 Stroud Avenue.

6 THE COURT: Got you, got you. Can we have --
7 and Mr. Minsquero's parents' first names are?

8 MS. MINSQUERO: Barbara --

9 MR. GELORMINO: Barbara and Vincent also.

10 MS. MINSQUERO: -- and Vincent.

11 THE COURT: Okay. Can you guys come up,
12 please? All please raise your right hand.

13 B A R B A R A and V I N C E N T M I N S Q U E R O
14 and J O S E P H S P A N O,

15 called as a witnesses, having been first duly sworn,
16 were examined and testified as follows:

17 THE COURT: Okay. Mr. and Ms. Minsquero, you
18 heard our discussions?

19 MS. MINSQUERO: Yes.

20 MR. MINSQUERO: Yes.

21 THE COURT: And you understand what we're doing
22 here?

23 MS. MINSQUERO: Yes.

24 THE COURT: And that if you sign this bond,
25 you're putting up your house and if Vincent violates the

Proceedings

1 terms of his release, there goes the house.

2 MR. MINSQUERO: Mm hm.

3 MS. MINSQUERO: There goes me. I'll be dead by
4 then.

5 THE COURT: Right. And Mr. Spano, the same
6 thing.

7 MR. SPANO: Yes.

8 THE COURT: All right. So please do everything
9 in your power to make sure that Vincent complies with the
10 terms of his release. Okay?

11 MR. SPANO: Yes.

12 MS. MINSQUERO: Thank you.

13 THE COURT: All right. Since you're putting up
14 your homes, I won't ask you questions about work and all
15 of that because there's enough --

16 MR. MINSQUERO: We're both retired.

17 MS. MINSQUERO: We're both retired.

18 THE COURT: All right. Okay.

19 MR. SPANO: All three of us are retired.

20 THE COURT: Okay. You're going to have to sign
21 the bond. You're also going to have to post what are
22 called confessions of judgment. I think that's what they
23 call them, on the properties so that it's secured, and
24 you can do that by Wednesday. Counsel will help you get
25 those prepared. All right? Okay. Why don't you come on

Proceedings

1 up so you can sign the bond right up here. And then
2 we'll give it to Mr. Minsquero. He'll sign it.

3 Gentlemen, I want to -- I think we could
4 probably conclude with that, but I want to give you three
5 warnings. You're each going to get, if you're
6 released -- you're not going to be released tonight,
7 you'll be released tomorrow if I'm not reversed. And
8 you'll get the bond and you'll see all of the
9 requirements on it. You'll be able to read it and
10 understand it. You have to comply with that bond 100
11 percent. Don't give the AUSAs any cause to come to court
12 and say hey, they violated their bond because you will be
13 detained, I guarantee you.

14 In addition to everything that appears on that
15 bond, three very important warnings that you need to get.

16 You commit any crimes when you're released, any
17 crimes, federal, state, or local, it's a violation of the
18 bond so you can be detained plus face charges for any
19 crimes you may commit.

20 If you fail to come to court when you're
21 supposed to, that is a violation of the bond, so you
22 could be detained on these charges until your trial plus
23 face a charge of bail jumping. And if you're convicted
24 of the underlying charges and a bail jumping charge, your
25 sentences will be served consecutively, one after the

Proceedings

1 other.

2 And if you attempt to influence the testimony
3 of any witness that may appear against you, that's a
4 violation of the bond, also subject you to a charge of
5 witness tampering. And if you're convicted of the
6 underlying charges and witness tampering, your sentences
7 will be served consecutively.

8 So come to court when you're supposed to, don't
9 commit any crimes, and don't talk to any witnesses.
10 Understood?

11 MR. GOSNELL: Your Honor, with respect to Mr.
12 Rappa, I would just ask if your Honor would be willing to
13 sign a medical order to ensure that he gets his
14 medications? They're indicated on I believe it's page 2
15 of his Pretrial Services report, both of which are for
16 his asthma. And unfortunately, because of the nature of
17 the disease, they can pop up sort of at any time. It's
18 the next to the last paragraph, your Honor.

19 THE COURT: We will do a medical memo. And I
20 can't guarantee when they would be able to get him the
21 inhalers, but they'll be alerted to it.

22 MR. SCHULMAN: Your Honor, for Mr. Vicari, I
23 would similarly request a medical memo for heart related
24 medication that Mr. Vicari takes on a twice daily basis.
25 As I understand, the agents have a supply of it here.

Proceedings

1 THE COURT: They will not, MDC will not allow
2 that medication in. They will have to prescribe it from
3 their formulary. Do you have the names of it? You could
4 write it down and --

5 THE CLERK: Yeah. Just hand it to me.

6 MR. SCHULMAN: Let me get the specific names
7 and I'll provide them after. If I can get it in a couple
8 of minutes? I think one of the agents that's in the room
9 may have the medication on them.

10 THE COURT: Give us the names of the
11 medication. We'll put it in a medical memo and send it
12 to MDC.

13 MR. SCHULMAN: I'll do that before I leave
14 today.

15 THE COURT: Okay.

16 MR. SCHULMAN: Thank you.

17 MR. GELORMINO: I would need one also on behalf
18 of Mr. Minsquero, your Honor. He's on a blood pressure
19 medication, just one.

20 THE COURT: List it.

21 MR. GELORMINO: Just to be safe. Is it listed?

22 DEFENDANT MINSQUERO: I gave it to them before.
23 I gave them the name and --

24 MR. GELORMINO: He gave the medication.

25 DEFENDANT MINSQUERO: And they took the

Proceedings

1 medication this morning.

2 MR. GELORMINO: They're still not going to
3 allow you to take it.

4 THE COURT: You gave them --

5 DEFENDANT MINSQUERO: I gave them the name this
6 morning of the --

7 MR. GELORMINO: Of the medication.

8 THE COURT: Who's they?

9 DEFENDANT MINSQUERO: One of the agents who was
10 doing the paperwork. He was doing paperwork.

11 THE COURT: Why don't you tell me what the
12 medication is?

13 DEFENDANT MINSQUERO: It's folic acid.

14 THE COURT: Okay.

15 MR. MARTINELLI: And lastly, for myself, I do
16 not need a medical order. I would like to alert the
17 Court that Waldorf Carting, a witness in this case,
18 continually calls my client and asks him for work, for
19 him to send his machines, that the government be on alert
20 not to -- you know, he's not going to accept any work,
21 but they can't call him and ask to send his machines now.
22 So I think it's important for this case that the Court
23 realizes that the carting company continues to call him.

24 THE COURT: That has nothing to do with me. If
25 they call him, he can say I can't talk to you.

Proceedings

1 MR. MARTINELLI: I agree. I'm just alerting --
2 I'm making a record for the people, for the government.

3 MR. GELORMINO: Your Honor, one last thing. My
4 client gave you the wrong medicine. Losartan, he's on
5 Losartan.

6 THE COURT: Losartan?

7 DEFENDANT MINSQUERO: Losartan, yeah.

8 THE CLERK: Losartan?

9 THE COURT: How do you spell that, please?

10 DEFENDANT MINSQUERO: L-O-S-S-A-R-T-I-N.

11 THE COURT: Are you also on folic acid?

12 DEFENDANT MINSQUERO: No, no, it stopped. They
13 switched it.

14 MR. GELORMINO: They switched it.

15 THE COURT: Okay. Michelle?

16 THE CLERK: Yeah.

17 THE COURT: Here. This is for Mr. Minsquero.
18 He's on Losartan. And that's for the other one. Okay?

19 MR. GELORMINO: Thank you, your Honor.

20 THE COURT: All right. Is there anything else?
21 Because we have another --

22 MR. GALEOTTI: It's incredibly brief, your
23 Honor.

24 One, we've made, as required, we've made
25 consular notification with respect to Mr. Vicari. He's

Proceedings

1 the only defendant for which that's required.

2 And second, we've endeavored to make victim
3 notifications and will continue to do so.

4 THE COURT: Thank you.

5 MR. GALEOTTI: I thank the Court for its time.

6 ALL: Thank you.

7 (Matter concluded)

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C E R T I F I C A T E

I, MARY GRECO, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 10th day of November, 2023.


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